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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,977	07/29/2005	Rowan Dallimore	034369-005	5013

55694 7590 08/01/2006

DRINKER BIDDLE & REATH (DC)  
1500 K STREET, N.W.  
SUITE 1100  
WASHINGTON, DC 20005-1209

EXAMINER

AGRAWAL, CHRISTOPHER K

ART UNIT PAPER NUMBER

3726

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/525,977	DALLIMORE, ROWAN	
	Examiner	Art Unit	
	Christopher K. Agrawal	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Bechler (U.S. Patent No. 5,029,761).**

3. Claim 1: Bechler teaches a tip holder for mounting at an outflow opening of a rotor of a vertical shaft impact crusher **10**, said rotor comprising a vertical rotor wall segment **94** having a first wall portion **98** being substantially tangential in relation to the rotor and a second wall portion **102** being angled in relation to said first wall portion, said tip holder comprising: a holding part **109** for holding a wear tip **114**, a fastening means **(110 and protector 120 engaged therewith which extends along 98)** attached to the holding part **109**, the fastening means extending along said first wall portion **98** and through said second wall portion **102** from one side thereof **(particularly via component 110)**, and a fixing means **(nut in bolt hole 111)** detachably fixable to the fastening means at the other side of said second wall portion.

4. Claim 2: Bechler also teaches a tip holder according to claim 1, wherein the fastening means **(110 and protector 120 engaged therewith which extends along 98)** extends along the radial inner side of said first wall portion **98** (see Fig. 3).

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5. Claim 3: Bechler also teaches a tip holder according to claim 1 wherein the tip holder **109** comprises a securing means **(see hook portion adjacent to tip 114 and gripping edge of wall 98)** for removal and securing the tip holder to a free vertical edge of said first wall portion **98**.
6. Claim 4: Bechler also teaches a tip holder according to claim 3 wherein said securing means comprises a hook **(see hook portion adjacent to tip 114 and gripping edge of wall 98)** adapted for gripping said edge of said first wall portion **98**.
7. Claims 5-6: As shown in figure 4, the fastening means **(110 and protector 120 engaged therewith which extends along 98)** is "adapted to" hold a horizontal wear plate. For example, a washer could be considered a "wear plate".
8. Claim 7: Bechler also teaches a tip holder according to claim 1 wherein the fastening means comprises a threaded bar **110** intended for extending along said first wall portion **98** and through a hole in said second wall portion **102**.
9. Claim 8: Bechler also teaches a tip holder according to claim 7 wherein the fixing means **110** comprises a nut which is adapted to provide a tensile stress in the threaded bar when fixing said fixing means to the threaded bar at said other side of the second wall portion.
10. Claim 9: Bechler also teaches a tip holder according to claim 1 wherein the fastening means **(110 & protector 120 adjacent 110 and extending along 98)** comprises a surface adapted for the application of a force in a direction parallel to said first wall portion.

11. Examiner notes that it is inherent that fastening means (**110 and protector 120 engaged therewith which extends along 98**) comprises a surface adapted for the application of a force in a direction parallel to the first wall portion.

12. Claim 10: Bechler teaches a method of mounting a tip holder to an outflow opening of a rotor of a vertical shaft impact crusher **10** said rotor comprising a vertical rotor wall segment **94** having a first wall portion **98** being substantially tangential in relation to the rotor and a second wall portion **102** being angled in relation to said first wall portion and said tip holder comprising a holding part **109** for holding a wear tip **114** said method comprising: guiding the tip holder along said first wall portion **98** such that a fastening means attached to the holding part extends along said first wall portion and passes through said second wall portion **102** from one side thereof (**see Fig. 3**) and fixing a fixing means (**nut in bolt hole 111**) to the fastening means (**110 and protector 120 engaged therewith which extends along 98**) at the other side of said second wall portion **102**.

### ***Response to Arguments***

13. Applicant's arguments filed May 18, 2006 have been fully considered but they are not persuasive.

14. Applicant argues that Bechler fails to anticipate the claimed invention because bolt hole 111 cannot be considered a fastening means within the scope of the invention. Specifically, Applicant argues that bolt hole 111 does not extend along the first wall portion and through the second wall portion. (Remarks, page 6)

15. In response, Examiner maintains that, with respect to Figure 3, the fastening means comprises bolt 110 in combination with the protecting member (similar to members 120) having two fastening holes therethrough, one of which accommodates bolt 110. The fixing means comprises the nut attached to bolt 110 and disposed within bolt hole 111. As required by claim 1, the fastening means (especially the portion constituted by the protecting member external of wall 98) extends along said first wall portion 98 and through second wall portion 102 from the external side. The fixing means, comprising the nut attached to bolt 110 within bolt hole 111, is detachably fixable to the fastening means via a threading mechanism. As required by claim 2, the fastening means extends along the radially inner side of said first wall portion 98 since it extends through both wall portions 98 and 102 as well as through holder part 109.
16. Therefore, the tip holder of Bechler anticipates the claimed invention.

### ***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher K. Agrawal whose telephone number is (571) 272-3578. The examiner can normally be reached on Mon-Fri 8:30AM-5:00PM.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CKA

A handwritten signature in black ink, appearing to read 'David Bryant', with a stylized, cursive script.

DAVID P. BRYANT  
SUPERVISORY PATENT EXAMINER